

CERTIFIED TRUE COPY

FILED

24

DEBORAH T. PORITZ  
ATTORNEY GENERAL OF NEW JERSEY

SEP 20 1995

By: Marianne W. Greenwald  
Deputy Attorney General  
Division of Law 5th Floor  
124 Halsey Street  
P.O. Box 45029  
Newark, New Jersey 07101  
Tel. (201) 648-4738

BOARD OF PHARMACY

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF PHARMACY

IN THE MATTER OF THE SUSPENSION :  
OR REVOCATION OF THE LICENSE OF :

Administrative Action

PAUL DAVID ZABARSKY :

CONSENT ORDER

TO PRACTICE PHARMACY IN THE :  
STATE OF NEW JERSEY :

RE 19436 :

This matter was opened to the State Board of Pharmacy by the receipt of information that Paul Zabarsky had been arrested in Middlesex Township on May 1, 1994 for possession of cocaine. Respondent entered into a Consent Order with the Board of Pharmacy on June 30, 1994 whereby he agreed to the voluntary surrender of his pharmacy license pending further Order by the Board.

Respondent appeared before the full Board on August 23, 1995 and testified as to his past addiction to cocaine, and as to his recent treatment for chemical dependence and present effort to maintain his sobriety.

It appearing that respondent has completed an inpatient treatment program, continues to attend support group meetings and continues to have negative drug and alcohol screens, and respondent having satisfied the Board of his intention to continue in his present treatment

program, and it further appearing that respondent has refrained from practicing pharmacy since June 30, 1994, has completed the required continuing education, and has paid all fees due, and now wishes to resolve this matter without the necessity of further formal proceedings, and for good cause shown,

IT IS THEREFORE, ON THIS *20th* DAY OF *September* 1995,  
ORDERED:

1. The license of Paul Zabarsky, R.P. to practice pharmacy in the State of New Jersey is hereby reinstated to a probationary status for two (2) years following the date of entry of this Order.

2. For the duration of the probation, respondent shall comply with paragraphs 3 through 14 herein. If respondent violates any of the provisions of paragraphs 3 through 14 herein, the Board may initiate proceedings to revoke his license to practice pharmacy.

3. Respondent shall not be a pharmacist-in-charge during the entire period of probation.

4. Respondent shall have his urine monitored at his own expense on a random unannounced basis. Testing shall be performed two (2) times per month throughout the suspension period. The urine specimens shall be performed with direct witnessing by a Board approved monitor. The initial drug screen will utilize the EMIT technique and all confirming tests and/or secondary tests will be performed by gas chromatographing/mass spectrometry (GC/MS). The testing procedure shall include a forensic chain of custody protocol to ensure sample integrity and to provide documentation thereof.

5. The result of all tests shall be reported directly by the testing laboratory on a monthly basis to H. Lee Gladstein, Executive

Director of the Board or his successor, or his designee in the event he is unavailable. The Board may at any time alter or modify the manner of the testing directed herein. In the event of any such alteration or modification the Board shall give timely notice of any new testing requirement to the respondent.

6. In the event respondent is unable to appear for a scheduled urine test due to illness or other impossibility, consent to waive that day's test must be secured from the Board office. In addition, respondent must provide the Board with any written substantiation which may be obtained for his inability to appear, e.g. physician's report.

7. Respondent hereby consents to the entry of an Order of Automatic Suspension of his license without notice upon the Board's receipt of any reliable information such as but not limited to, a report of a confirmed positive urine or information from any outpatient program or counselor which reveals evidence of substance abuse during the probationary period.

8. Respondent shall have the right to apply for removal of the automatic suspension on two (2) days notice but in such event shall be limited to a showing that urine tested was not his or was a false positive, in the case of urine testing, or that other information submitted was false.

9. Any failure to appear for a urine test for which consent is not secured from the Board, and for which no written substantiation is furnished satisfactory to the Board within two (2) days of such failure to appear shall be grounds for activation of the suspension upon short notice.

10. Respondent shall submit quarterly documentation that he attends support group meetings at least three times per week for the duration of the probationary period.

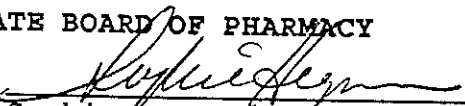
11. Respondent shall give written notice to the Board prior to beginning or changing any employment.

12. Respondent shall not use or possess any controlled dangerous substances, except for bona fide medical purposes as deemed necessary by a physician or other authorized prescriber during the entire period of probation. In such event, respondent shall serve notice to the Board in writing. Respondent shall advise any and all treating physicians of his history of drug abuse.

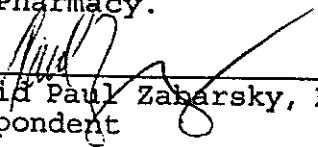
13. Respondent shall authorize the testing laboratory to forward his urine test results to the Board and to immediately notify the Board in the event of a positive urine specimen.

14. During the probation period, the Board may require the appearance of respondent at a meeting for a status conference at any time with reasonable prior notice to respondent.

STATE BOARD OF PHARMACY

By:   
Sophie Heymann, President

I have read the above Order  
and I understand its terms.  
I agree to be bound by the  
terms of the above Order.  
I consent to the entry of  
this Order by the State Board  
of Pharmacy.

  
David Paul Zaharsky, R.P.  
Respondent